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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,545	07/25/2003	Motoki Kato	275929US6CONT	3594
22850	7590	10/23/2007		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER WENDMAGEGN, GIRUMSEW	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 10/23/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/627,545

Applicant(s)

KATO ET AL.

Examiner

Girumsew Wendmagegn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 8, 15-22, 29-43 and 50-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 15-22, 29-43 and 50-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/30/07; 7/19/06; 7/25/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claim 1, 8, 29, 35, and 56 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claim 1, 3-5, 8, 15-16, 18-22, 29-30, 32-37, 39-43, 50-51, 53-58, 60-64** are rejected under 35 U.S.C. 102(e) as being anticipated by Okuyama et al (Patent No. US 5,987,126).

Regarding claim 1, 8, Okuyama et al (hereinafter Okuyama) anticipates an information processing apparatus comprising: an extractor configured to extract main information including copy control information and to extract auxiliary information representing attributes of said main information from input information (see figure 4 element 41), generator configured to generate copy permission information based on said extracted auxiliary information; and a recorder configured to record the main

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information, and to record the copy permission information generated by the generator in at least one header adjacent to a corresponding portion of the main information(see column16 line 1-12).

Regarding claim3, 18, Okuyama et al anticipates the information processing apparatus according to claim 1 wherein: said main information is a transport stream (see column3 line 23-25); and said auxiliary information is information indicating a mode in which said main information is encoded (see column12 line 40-47 CGMS).

Regarding claim4 and 19, Okuyama et al anticipates the information processing apparatus according to claim 3 wherein said copy permission information recorded by said recorder in a header for each transport packet of said transport stream (see column16 line 1-12).

Regarding claim5 and 20, Okuyama et al anticipates the information processing apparatus according to claim1 wherein: said input information is received through an IEEE1394 digital interface (see figure4 IEEE1394 interface); and said auxiliary information is an encryption mode indicator (EMI) (see column12 line 40-47 CGMS).

Regarding claim15, Okuyama et al anticipates the information processing apparatus of claim 1, further a splitter operable to split the input information into a plurality of isochronous. Packets, each having an Encryption Mode Indicator (EMI)

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associated therewith (see column13 line 38-41); and an analyzing circuit operable to select a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column14 line 24-39).

Regarding claim16, Okuyama et al anticipates the information processing apparatus of claim15, wherein the generator is configured to generate a Copy Permission Indicator (CPI) corresponding to the EMI having the strongest copy restriction mode (see column14 line 24-39).

Regarding claim21, Okuyama et al anticipates the information processing method of claim 8, further comprising the step of: splitting the input information into a plurality of isochronous packets, each having an Encryption Mode Indicator (EMI) associated therewith (see column13 line 38-41); and selecting a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column14 line 24-39).

Regarding claim22, Okuyama et al anticipates the information processing method of claim 21, wherein the generation step comprises generating a Copy Permission Indicator (CPI) corresponding to the EMI having the strongest copy restriction mode (see column14 line 24-39).

Regarding claim 29, 35, 50 and 56, Okuyama et al anticipates an information processing apparatus comprising: an extractor configured to extract main information including copy control information and to extract auxiliary information representing attributes of said main information from input information (see figure 4 element 4); an analyzing circuit configured to analyze said copy control information (see figure 4 element 42); an encoder configured to convert said copy control information into new copy control information when it is determined that said copy control information is valid (see figure 4 element 44); a generator configured to generate copy permission information based on said extracted auxiliary information; and a recorder configured to record the main information and said new copy control information, and to record the copy permission information generated by the generator in at least one header adjacent to a corresponding portion of the main information (see figure 4 element 23 and column 16 line 1-12).

Regarding claim 30, 51, Okuyama et al anticipates the information processing apparatus according to claim 29 wherein said generator is further configured to generate said new copy control information when it is determined that said copy control information is invalid (see column 14 line 24-39)

Regarding claim 32, 39, 53 and 60, Okuyama et al anticipates The information processing apparatus according to claim 29 wherein: said main information is a transport stream (see column 3 line 23-25); and said auxiliary information is information

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indicating a mode in which said main information is encoded (see column12 line 40-47 CGMS).

Regarding claim33, 40,54 and 61, Okuyama et al anticipates The information processing apparatus according to claim 32 wherein said copy permission information is recorded by said recorder in the header for each transport packet of said transport stream (see column16 line 1-12).

Regarding claim34, 41,55 and 62, Okuyama et al anticipates the information processing apparatus according to claim 29 wherein: said input information is received through an IEEE1394 digital interface (see figure4 IEEE1394 interface); and said auxiliary information is an encryption mode indicator (EMI) (see column12 line 40-47 CGMS).

Regarding claim36, 42,57 and 63, Okuyama et al anticipates the information processing method of claim 35, further comprising: splitting the input information into a plurality of isochronous packets, each having an Encryption Mode Indicator (EMI) associated therewith (see column13 line 38-41); and selecting a strongest copy restriction mode from among the EMIs associated with the plurality of isochronous packets at a value representative of the input information (see column14 line 24-39).

Regarding claim 37, 43, 58 and 64 Okuyama et al anticipates the information processing method of claim 36, wherein an the generating step comprises generating a Copy Permission Indicator (CPI) corresponding to the EMI having strongest copy restriction mode (see column 14 line 24-39).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 2, 17, 31, 38, 52 and 59** are rejected under 35 U.S.C. 103(a) as being unpatentable over Okuyama et al (Patent No. US 5,987,126) as applied to Claim 1, 3-5, 8, 15-16, 18-22, 29-30, 32-37, 39-43, 50-51, 53-58, 60-64 above, and further in view of Shima et al (Patent No. US 6,298,196).

Regarding Claim 2, 17, 31, 38, 52, 59, see the teaching of Okuyama et al above, Okuyama does not teach validity of copy permission information based upon whether said apparatus that recorded said main information recognized and processed said first copy control information. However Shima et al teaches validity of copy permission information based upon whether said apparatus that recorded said main information recognized and processed said first copy control information (see column 3 line 13-32).

One of ordinary skill in the art at the time the invention was made would have been motivated to determine the validity of copy permission information based on



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whether apparatus recognized and processed copy control information as in Shima et al in to Okuyama system because it would make the system much effective in copyright protection.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Girumsew Wendmagegn whose telephone number is 571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alr Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
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